

City Hall
80 Broad Street
September 10, 2013
5:00 p.m.

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Wagner

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Presentation of D2L's Partner in Prevention Award to the City of Charleston

E. Public Hearings

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add a new Zoning District to be known as the Neighborhood Business, NB District. **(Second Reading)**
2. An ordinance amending the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is part thereof, so that certain properties located in the Cannonborough/Elliottborough and East Side areas of the Charleston peninsula, or east of Coming Street, North of Radcliffe Street, west of Nassau Street, and south of Septima Clark Parkway, and certain properties located on the west side of Coming Street between Morris Street and Spring Street, and certain properties located on Columbus Street between Aiken Street and Nassau Street, including the following tax map parcels (TMS# 459-05-03-058, 059, 062, 063, 065, 071, 129; 459-05-04-170, 171; 459-09-01-006, 065, 066; 459-09-02-116, 117, 118, 119; 459-09-03-002, 060, 061; 460-04-04-007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 099, 100, 102; 460-08-02-020, 021, 022, 024, 025, 026, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 039, 052, 053, 054, 074, 075, 076, 077, 078, 079, 080, 082, 083, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 098, 099, 100, 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 140, 141, 142, 143, 144, 145; a portion of 460-08-03-044; 460-08-03-046, 047, 048; a portion of 460-08-03-049; 460-08-03-050, 051, 052, 172; 460-08-04-003, 004, 005, 006, 007, 008, 009, 010, 011, 013, 018, 019, 020, 021, 022, 023, 024, 025, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 039, 040, 041, 046, 047, 067, 068, 069, 070, 071, 072, 073, 074, 111; 460-12-01-035, 036, 037, 038, 039; a portion of 460-12-01-049; 460-12-01-050,

051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 065, 066, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174; 460-12-02-039, 040, 046, 047, 048, 051, 053, 054, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 128, 129, 130, 131, 132). all of the properties included herein shall be rezoned from General Business (GB) to Neighborhood Business (NB). **(Second Reading)**

3. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 74 Montagu Street, 154 Bull Street and a vacant property on Barre Street (Harleston Village – Peninsula) (0.47 acre) (TMS #457-02-04-043, 457-02-04-031 and 457-02-04-063) (Council District 8), be rezoned so as to be included in the School Overlay (S) classification. **(Second Reading)**

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. August 21, 2013

H. Citizens Participation Period

I. Petitions and Communications:

- a. Tourism Commission Report:

– Tourism Commission Recommendation: Thermometer Monitoring System

J. Council Committee Reports:

1. **Committee on Human Resources (Meeting was held Monday, August 26, 2013 at 4:00 p.m.)**

- a. Background Checks – Employees and Volunteers
- b. Supplemental Insurance Products
- c. Life Insurance and Long-term Disability
- d. 2014 Healthcare Renewal and Budget

2. **Committee on Traffic and Transportation (Meeting was held Monday, September 9, 2013 at 5:00 p.m.)**

- a. Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/Limo
– Atlas Transportation, LLC (Taxi)

- Sheila Patricia Seagers (Taxi)
- Michael Barnes, DBA M & L Taxi (Taxi)

b. A Public Hearing was held on Monday, September 9, 2013 at 5:00 p.m. for the following matter:

An ordinance to amend the Code of the City of Charleston, South Carolina, to add a new Section, Section 19-182, to provide that it is unlawful for a person to use an electronic communication device for certain purposes while driving a motor vehicle.

- c. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 31, Article I to add thereto a new Section 2 requiring that vehicles for hire shall be less than 13 feet in height and a standard automobile, limousine, tour bus, van or trolley-type vehicle.

3. Committee on Public Works and Utilities (Meeting was held Tuesday, September 10, 2013 at 3:30 p.m.)

- a. Authorize the Director of the Department of Public Service to send a letter to SCDOT which states the City will accept maintenance/liability responsibility of non-standard improvements in the right of way (granite curbing, bluestone, and corner handicap ramp) on Meeting Street (S-107) and Queen Street (S-872) in conjunction with the Mills House Improvements. (Recommended by the Committee at its August 21, 2013 meeting.)
- b. Acceptance of a quit claim deed for a portion of Spring Street (Road S-3), said portion of Road S-3 extends from the present right of way line of Road S-107 (Meeting Street) in a southwesterly direction for a distance of approximately 0.15 of a mile to the present right of way line of Road S-104 (King Street).
- c. Acceptance of a Quit Claim Deed for a portion of Frampton Street (Road S1141) said portion extending from the present right of way line of Road S-1028 (Harbor View Road) northerly for a distance of approximately 0.04 of a mile to the present right of way line of Road S-2267 (Burningtree Road).
- d. Acceptance of an Exclusive Stormwater Drainage Easement at 88 Simons Street.

4. Committee on Ways and Means:

(Bids and Purchases

(CARTA FY2014 Budget

(Police Department: Approval to accept the 2013 Edward Byrne Memorial grant from OJP in the amount of \$34,325 for rapid deployable mobile cameras. No City match is required.

(Office of Cultural Affairs: Approval to apply for a grant in the amount of \$2,500 from the SC Arts Commission for the 2013 MOJA Arts Festival Literary Corner and Dance Gala. No City match is required. Due to time constraints, the grant was submitted August 19, 2013.

- (Parks-Capital Projects: Approval to accept a product development grant from SC National Heritage Corridor in the amount of \$36,500, for the Best Friend Train Exhibitry. The grant requires a 100% grant match which will be funded from the Best Friend Train Exhibitry Project Budget. The grant acceptance is submitted to Council after-the-fact in order to expedite the exhibitry production for installation as quickly as possible after the September 2013 delivery of the Best Friend Train to the museum.
- (Police Department: Approval to create a Mutual Aid Agreement between the Charleston County Sheriff's Office and the City of Charleston and the City of Charleston Police Department to aid in law enforcement operations.
- (Police Department: Approve Memorandum of Understanding between the City of Charleston and the Ninth Circuit Solicitor's office to benefit the community by providing \$25,000.00 from the City's Narcotics Asset Forfeiture Fund to the Ninth Circuit Solicitor's Office to partially fund the salary for one year of a drug prosecutor who will be assigned to prosecute drug offenses based on arrests made in the City of Charleston. The prosecutor will be assigned a caseload consisting of at least 75% of City of Charleston drug offenses and drug-related matters. The Solicitor's office will provide case status reports to the City upon request and on a bi-annual basis.
- (Fire Department: Approval of a Memorandum of Understanding between the City and the Division of Emergency Medicine, MUSC, whereby MUSC will provide a comprehensive course designed to train firefighters in basic life support and emergency care (EMT training). Upon completion of the course, firefighters will be eligible to take examination to become certified EMTs. The MOU will be in effect for one (1) year after which time the parties may discuss extending the agreement. The MUSC will supply necessary equipment and a medical director and program manager. The City agrees to provide a classroom for the training program. Firefighters enrolled in the course will be charged a fee of \$550 each and participating fire departments are required to supply EMT instructors. This will be funded under the Fire Department operating budget.
- (Public Service: Approval to award a contract to Crowder Construction Company for the Sea Wall Repair Project, in the amount of \$2,665,000 for the reconstruction of the Sea Wall "Turn" of the High Battery.
- (Public Service: Approval of construction testing and inspection with Terracon Consultants, Inc. ("Terracon") in the amount of \$48,995 for the Seawall Repair Project. Terracon will provide construction testing and inspection services for the replacement of the "Turn" of the High Battery on an hourly, not to exceed, basis.
- (Public Service: Approval of construction engineering and inspection with Johnson, Mirmiran & Thompson ("JMT") in the amount of \$49,742 for the Sewall Repair Project. JMT will provide construction administration services for the replacement of the "Turn" of the High Battery on an hourly, not to exceed, basis.
- (Public Service: Approval of construction administration and engineering with Cummings & McCrady, Inc. ("C&M") in the amount of \$161,300 for the Seawall Repair Project. C&M will provide engineering and construction administration

services for the replacement of the "Turn" of the High Battery on an hourly, not to exceed, basis.

(Public Service: Approval of B&C Utilities, Inc.'s proposal in the amount of \$57,700 to repair the storm drain at Gordon Street in conformance with standard City procedures and details. This is an emergency repair due to the collapse of the existing storm drain in Wagener Avenue at Gordon. Work on the road is currently underway.

(Parks-Capital Projects: Approval to pay SCE&G invoice in the amount of \$48,641 for 25 non-standard Hanover street lights at Gadsdenboro Park.

(Parks-Capital Projects: Approval of an Agreement covering area lighting at Gadsdenboro Park between the City of Charleston and SCE&G for Federal, Concord, and Ansonborough Streets.

(Parks-Capital Projects: Approval to award a contract with Landirr, Inc. in the amount of \$632,255 for construction of irrigation improvements at the Municipal Golf Course. The contract includes the base bid of \$595,730; Bid Alternate #1, \$9,500 for an add-on weather station; and Bid Alternate #2, \$27,025 for a lightning alert system.

(Parks-Capital Projects: Approval to award a contract with Dock and Marine, Inc. in the amount of \$1,535,379 for construction of Northbridge Park. With this approval, Council is authorized a budget transfer that will be included in a future budget amendment.

(Background Checks – Employees and Volunteers

(Supplemental Insurance Products

(Life Insurance and Long-term Disability

(2014 Healthcare Renewal and Budget

(Approval to enter into a non-exclusive Service Agreement for the use of the Waterfront Park Water Taxi Dock and the Maritime Center Dock for water taxi services with Charleston Water Taxi, LLC. Solicitation #11-P019B (Maritime Center: 300 Concord Street & Waterfront Park: 0 Concord Street; TMS#'s 459-00-00-007 & 458-09-04-051) [Ordinance]

(Request approval of the Contribution Agreement for the City to accept the deed for approximately 3.69 acres of park land from the Charleston Parks Conservancy. (0 Sycamore Avenue; TMS# 418-09-00-002)

(Consider the following annexations:

808 Melrose Drive (TMS# 310-02-00-068) .30 acre, St. Andrews Parish
(District 7)

540 Magnolia Road (TMS# 418-13-00-148) .25 acre, St. Andrews Parish
(District 9)

Give first reading to the following bills and adopt resolutions coming from Ways & Means:

An ordinance to authorize the Mayor to execute the necessary documents to enter into that certain non-exclusive water taxi Service Agreement between the City of Charleston and Charleston Water Taxi for the non-exclusive use of the City's Waterfront Park water taxi dock and the Charleston Maritime Center located in the City and County of

Charleston, State of South Carolina, said non-exclusive water taxi Service Agreement being marked as Exhibit I, attached hereto and incorporated by reference herein.

An ordinance to provide for the annexation of property known as 808 Melrose Drive (0.30 acre) (TMS# 310-02-00-068), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 7.

An ordinance to provide for the annexation of property known as 540 Magnolia Road (0.25 acre) (TMS# 418-13-00-148), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 9.

5. Audit Committee (Meeting was held Tuesday, September 10, 2013 at 4:00 p.m.)
(Annual Internal Audit Report)

K. Bills up for Second Reading

1. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 482 and 484 King Street and 83 Mary Street (Peninsula) (0.26 acre) (TMS #460-12-02-027, 026 and 024) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification.*
2. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 480 King Street (Peninsula) (0.145 acre) (TMS #460-12-02-028) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification.*
3. *An ordinance to authorize the Mayor to execute the necessary documents to enter into that certain contract between the City of Charleston and Compass 5 Partners, LLC and related closing documents for the sale of 188 ½ Line Street bearing TMS #460-07-04-140 located in the City and County of Charleston, State of South Carolina, for the sum of \$48,750.00, said contract being marked as Exhibit I, attached hereto and incorporated by reference herein.*
4. *An ordinance to provide for the annexation of property known as 1102 Hillside Drive (2.40 acres) (TMS# 418-06-00-095), West Ashley, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 9.*
5. *An ordinance to provide for the annexation of property known as Hillside Drive (0.2 acre) (TMS# 418-06-00-094), West Ashley, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 9.*

6. *An ordinance to provide for the annexation of property known as Clements Ferry Road (0.43 acre) (TMS# 263-00-02-005), Cainhoy, Berkeley County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 1.*
7. *An ordinance to provide for the annexation of property known as Maybank Highway (0.63 acre) (TMS# 313-00-00-152), Johns Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 5.*
8. *An ordinance to provide for the annexation of property known as 1814 Produce Lane (0.7 acre) (TMS# 313-00-00-153), Johns Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 5.*
9. *An ordinance to provide for the annexation of property known as Produce Lane (0.1 acre) (TMS# 313-00-00-154), Johns Island, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 5.*
10. *An ordinance to amend the City of Charleston Visitor Accommodations Study, dated February 10, 1998, by modifying the text therein related to "Accommodations Inventory" and by revising the Map contained therein entitled "1998 Visitor Accommodations Study Proposed Accommodation Overlay District Amendments." (DEFERRED FOR PUBLIC HEARING)*
11. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by revising Section 54-220 (b) (1) by amending subpart (a) pertaining to the effect of accommodations uses on housing stock, by amending subpart (e) to require building floor plans, elevations, and detailed written assessment reports with applications for an accommodation special exception, by adding new subpart to be labeled (c) pertaining to the floor area of restaurant and bar space in accommodations facilities and re-lettering the following subparts of said section; by revising Section 54-220 (b) (1) (e) (7) to require that accessory uses in accommodations facilities be assessed in terms of size and impact on parking and traffic generation; revising Section 54-220 (b) (1) (e) (15) pertaining to limits on the number of rooms in facilities; to revise Section 54-220 (b) (1) (e) (16) pertaining to the provision of shuttle bus service by accommodations facilities; and to amend the Zoning Map pertaining to the accommodations overlay zone district in the peninsula portion of the City in accordance with the map attached to this ordinance. (DEFERRED FOR PUBLIC HEARING)*
12. *An ordinance to provide for the annexation of property known as 1349 Ashley River Road (1.0 acre) (TMS# 418-05-00-002), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 7. (DEFERRED)*
13. *An ordinance to provide for the annexation of property known as 1351 Ashley River Road (0.25 acre) (TMS# 418-05-00-001), St. Andrews Parish, Charleston County,*

to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 7. (DEFERRED)

L. Bills up for First Reading

1. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1349 Ashley River Road (West Ashley) (0.30 acre) (TMS #418-05-00-002) (Council District 7), be zoned General Business (GB) classification.*
2. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1351 Ashley River Road (West Ashley) (0.30 acre) (TMS #418-05-00-001) (Council District 7), be zoned General Business (GB) classification.*
3. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add a new Section 54-946 regulating government-initiated downzonings.*
4. *An ordinance to amend the Code of the City of Charleston by adding to Chapter 19 thereof, motor vehicles and traffic, a new Article XX pertaining to the operation of golf carts and low speed vehicles in the City. (DEFERRED)*
5. *An ordinance to amend the Zoning Ordinance of the City of Charleston by adding to Sec. 54-102 (c) (1), Special Zoning Districts, Overlay Zones, the words "Downtown Commercial Transportation Services Overlay Zone", by adding to Sec. 54-202, Overlay Zones, a new subsection (i) establishing and defining the Downtown Commercial Transportation Services (DCT) Overlay Zone and by adding a new Sec. 54-228 setting forth the regulations of the Downtown Commercial Transportation Services Overlay Zone. (DEFERRED)*
6. *An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 29, Section 211(a) to clarify and limit the number of horse-drawn carriages that may be operated/permitted in the central loading zone. (TO BE WITHDRAWN)*
7. *An ordinance to amend Chapter 14, Article IV, Sec. 14-46 (g) (2) of the Code of the City of Charleston to specify where solid waste and Charleston County recycling containers must be stored on a premise (AS AMENDED). (DEFERRED)*

M. Executive Session

1. Discussion of matters relating to a proposed location, expansion and provision of services to encourage the location or expansion of an industry or business in the City of Charleston.

N. Miscellaneous Business:

1. The next regular meeting of City Council will be September 24, 2013 at 5:00 p.m. at City Hall, 80 Broad Street.

PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, September 10, 2013 beginning at 5:00 p.m. at City Hall, 80 Broad Street, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

ORDINANCE AMENDMENT

1. Request to amend Chapter 54 of the Code of the City Of Charleston (Zoning Ordinance) to add a new zoning district to be known as the Neighborhood Business, NB District.
(AS AMENDED)

REZONING

1. To rezone certain properties located in the Cannonborough/Elliottborough and East Side areas of the Charleston Peninsula, or east of Coming Street, north of Radcliffe Street, west of Nassau Street, and south of Septima Clark Parkway, and certain properties located on the west side of Coming Street between Morris Street and Spring Street, and certain properties located on Columbus Street between Aiken Street and Nassau Street (Peninsula) TMS# 459-05-03-058, 059, 062, 063, 065, 071, 129; 459-05-04-170, 171; 459-09-01-006, 065, 066; 459-09-02-116, 117, 118, 119; 459-09-03-002, 060, 061; 460-04-04-007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 099, 100, 102; 460-08-02-020, 021, 022, 024, 025, 026, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 039, 052, 053, 054, 074, 075, 076, 077, 078, 079, 080, 082, 083, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 098, 099, 100, 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 140, 141, 142, 143, 144, 145; a portion of 460-08-03-044; 460-08-03-046, 047, 048; a portion of 460-08-03-049; 460-08-03-050, 051, 052, 172; 460-08-04-003, 004, 005, 006, 007, 008, 009, 010, 011, 013, 018, 019, 020, 021, 022, 023, 024, 025, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 039, 040, 041, 046, 047, 067, 068, 069, 070, 071, 072, 073, 074, 111; 460-12-01-035, 036, 037, 038, 039; a portion of 460-12-01-049; 460-12-01-050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 065, 066, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174; 460-12-02-039, 040, 046, 047, 048, 051, 053, 054, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 128, 129, 130, 131, 132 – from General Business (GB) classification to Neighborhood Business (NB) classification.
2. To rezone 74 Montagu Street, 154 Bull Street and a vacant property on Barre Street (*Harleston Village – Peninsula*) (0.47 acre) (TMS #457-02-04-043, 457-02-04-031 and 457-02-04-063) (Council District 8), be rezoned so as to be included in the School Overlay (S) classification.

Interested parties are invited to attend the public hearing and express their views. Extended presentations should be submitted in writing.

VANESSA TURNER-MAYBANK
Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL interpretation, or other accommodation please contact Janet Schumacher at (843) 577-1389 or mail to schumacherj@charleston-sc.gov three days prior to the meeting.

Please insert as a Display Ad in the Post Courier on Sunday, August 25, 2013. Charge account PC103190. **Blanket PO# PR130443**

Please insert in the Chronicle as a Display Ad on Wednesday, August 28, 2013.
Please provide an affidavit of publication for all public hearings. PR Number PR134828

CITY OF CHARLESTON PLANNING COMMISSION MEETING REPORT

MEETING OF JULY 17, 2013

A meeting of the City of Charleston Planning Commission was held at 5:00 p.m., on **Wednesday, July 17, 2013** in the Meeting Room, Third Floor at 75 Calhoun Street (Charleston County School District Building). The following items were considered:

REZONINGS

1. **482 & 484 King St & 83 Mary St - (Peninsula) TMS# 4601202027, 026 & 024** – 0.26 ac. Request rezoning from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

RECOMMENDED APPROVAL

2. **480 King St (Peninsula) TMS# 4601202028** – 0.145 ac. Request rezoning from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

RECOMMENDED APPROVAL

3. **74 Montagu St, 154 Bull St & 0 Barre St (Harleston Village - Peninsula) TMS# 4570204043, 4570204031 & 4570204063** – 0.47 ac. Request rezoning to include the subject properties in the School Overlay (S).

DEFERRED BY APPLICANT PRIOR TO THE MEETING

4. **Certain properties located in the Cannonborough/Elliottborough and East Side areas of the Charleston Peninsula, or east of Coming Street, north of Radcliffe Street, west of Nassau Street, and south of Septima Clark Parkway, and certain properties located on the west side of Coming Street between Morris Street and Spring Street, and certain properties located on Columbus Street between Alken Street and Nassau Street (Peninsula) TMS# 459-05-03-058, 059, 062, 063, 065, 071, 129; 459-05-04-170, 171; 459-09-01-006, 065, 066; 459-09-02-116, 117, 118, 119; 459-09-03-002, 060, 061; 460-04-04-007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 099, 100, 102; 460-08-02-020, 021, 022, 024, 025, 026, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 039, 052, 053, 054, 074, 075, 076, 077, 078, 079, 080, 082, 083, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 098, 099, 100, 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 140, 141, 142, 143, 144, 145; a portion of 460-08-03-044; 460-08-03-046, 047, 048; a portion of 460-08-03-049; 460-08-03-050, 051, 052, 172; 460-08-04-003, 004, 005, 006, 007, 008, 009, 010, 011, 013, 018, 019, 020, 021, 022, 023, 024, 025, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 039, 040, 041, 046, 047, 067, 068, 069, 070, 071, 072, 073, 074, 111; 460-12-01-035, 036, 037, 038, 039; a portion of 460-12-01-049; 460-12-01-050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 065, 066, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174; 460-12-02-039, 040, 046, 047, 048, 051, 053, 054, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 128, 129, 130, 131, 132** – Request rezoning from General Business (GB) to Neighborhood Business (NB).

RECOMMENDED APPROVAL

SUBDIVISION

1. **Dills Bluff Rd (Lawton Park – James Island) TMS# 4260900136** – 5.012 ac. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1)/Cluster.

DEFERRED BY APPLICANT PRIOR TO THE MEETING

ORDINANCE AMENDMENT

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **to add a new zoning district to be known as the Neighborhood Business, NB district.**

RECOMMENDED APPROVAL AS AMENDED

REPORT OF THE TECHNICAL REVIEW COMMITTEE

Over the past month, the following subdivision projects were submitted to the TRC for review and approval. The findings of the TRC shall be presented to the Planning Commission. Items approved by the TRC comply with all applicable regulations and standards of the City of Charleston.

PRELIMINARY & FINAL PLATS

1. **BOHICKET RD & MAYBANK HIGHWAY** – TMS# 2790000142, 35.71 ac, 2 tracts, PUD. Final subdivision plat approved.
2. **BLUEWATER WAY (BOLTON'S LANDING PHASE 9B)** – TMS# 2860000048, 33.81 ac, 101 lots, SR-1/ND. Preliminary subdivision plat approval pending.
3. **CAROLINA BAY DR (CAROLINA BAY PHASE 11A)** – TMS# 3070000100, 5.8 ac, 38 lots, PUD. Preliminary subdivision plat approval pending.
4. **BEES FERRY RD & GRAND OAKS BLVD** – TMS# 3010000049, 10.35 ac, 2 lots, GB. Preliminary subdivision plat approval pending.
5. **BARRE ST & HALSEY BLVD** – TMS# 4570204026 thru 030 & 4570204048 thru 052, 2.6 ac, 9 lots, PUD. Preliminary subdivision plat approval pending.
6. **1601 & 1607 ZURLO WAY (THE PRESERVE AT FENWICK)** – TMS# 3460000258, 1.01 ac, 2 lots, PUD. Final subdivision plat approved.
7. **WOODLAND RD (WOODLANDS PHASE 2)** – TMS# 3551600001, 3.6 ac, 33 lots, PUD. Final subdivision plat approval pending.
8. **CANE SLASH RD (TWIN LAKES PHASE 1)** – TMS# 3450000001, 29.35 ac, 39 lots, SR-1/Cluster. Preliminary subdivision plat approval pending.

ROAD CONSTRUCTION PLANS

1. **CAROLINA BAY DR (CAROLINA BAY PHASE 11A)** – TMS# 3070000100, 5.8 ac, 38 lots, PUD. Road construction plans approval pending.
2. **PROXIMITY DR (GRAND OAKS PHASE 2A)** – TMS# 3010000035, 21.83 ac, 45 lots, PUD. Road construction plans approval pending.
3. **RIVER RD (STONO VIEW PLANTATION)** – TMS# 3150000012 & 047, 127 ac, 165 lots, PUD. Road construction plans approval pending.

CITY OF CHARLESTON PLANNING COMMISSION MEETING REPORT

MEETING OF AUGUST 21, 2013

A meeting of the City of Charleston Planning Commission was held at **5:00 p.m., on Wednesday, August 21, 2013** in the Meeting Room, Third Floor at 75 Calhoun Street (Charleston County School District Building). The following items were considered:

REZONING

1. **74 Montagu St, 154 Bull St & 0 Barre St (Harleston Village - Peninsula) TMS# 4570204043, 4570204031 & 4570204063** – 0.47 ac. Request rezoning to include the subject properties in the School Overlay (S).

NO RECOMMENDATION - MOTION TO APPROVE FAILED BY 3-3 VOTE

ZONINGS

1. **206 Tanglewood Ave (Ashley Forest - West Ashley) TMS# 4181300064** – 0.14 ac. Request zoning of Single-Family Residential (SR-2). Zoned Single-Family Residential (R-4) in Charleston County.

RECOMMENDED APPROVAL

2. **451 Folly Rd (James Island) TMS# 4240900064** – 0.31 ac. Request zoning of Residential Office (RO). Zoned Office Residential (OR) in Charleston County.

RECOMMENDED APPROVAL

ORDINANCE AMENDMENTS

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by adding to Sections 54-239, 54-273, 54-922 and 54-942 requirements that adjoining property owners be provided notice, by mail, of certain applications to be considered by the Board of Architectural Review, the Design Review Board, the Boards of Zoning Appeals and the Planning Commission.**

RECOMMENDED APPROVAL

2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **to revise the regulations for gasoline stations.**

RECOMMENDED APPROVAL

3. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **to revise the minimum requirements for lot frontage and lot area for residential subdivisions.**

RECOMMENDED APPROVAL

4. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by reestablishing staggered terms and establishing term limits for members of the Planning Commission.**

DEFERRED UNTIL NEXT MEETING

REPORT OF THE TECHNICAL REVIEW COMMITTEE

Over the past month, the following subdivision projects were submitted to the TRC for review and approval. The findings of the TRC shall be presented to the Planning Commission. Items approved by the TRC comply with all applicable regulations and standards of the City of Charleston.

PRELIMINARY & FINAL PLATS

1. **JESSY ELIZABETH RD** – TMS# 3120000160, 1.91 ac, 6 lots, SR-1. Preliminary subdivision plat approval pending.
2. **120 FAIRCHILD ST (DANIEL ISLAND)** – TMS# 2750000119, 8.2 ac, 3 lots, DI-GO. Preliminary subdivision plat under review.
3. **91 EAST BAY ST (PENINUSLA)** – TMS# 4580903099, 0.208 ac, 2 lots, SR-5. Preliminary subdivision plat under review.
4. **DANIEL ISLAND DR (DANIEL ISLAND, PARCEL CC, PHASE 5)** – TMS# 2750000110, 16.79 ac, 26 lots, DI-R. Preliminary subdivision plat approval pending.
5. **DANIEL ISLAND DR (DANIEL ISLAND, PARCEL E, PHASE 2)** – TMS# 2750000110, 7.65 ac, 10 lots, DI-R. Revised preliminary subdivision plat approval pending.
6. **CLARK HILLS CIR (GRACE PLANTATION – JOHNS ISLAND)** – TMS# 2530000199, 31.504 ac, 25 lots, SR-7. Preliminary subdivision plat approval pending.
7. **MAYBANK HWY (MAYBANK GATHERING PLACE, PHASE 1 – JAMES ISLAND)** – TMS# 4240000001, 22.26 ac, 3 tracts & R/W, GP. Preliminary subdivision plat approval pending.
8. **BROWNSWOOD RD (SWYGERT'S LANDING, PHASE 3 – JOHNS ISLAND)** – TMS# 3120000050, 36.17 ac, 26 lots, C/ND. Preliminary subdivision plat under review.
9. **73 COOPER ST & 6 SHEPPARD ST (PENINSULA)** – TMS# 4590504059, 0.08 ac, 2 lots. Preliminary and final subdivision plats under review.
10. **PARKLAWN DR (CAROLINA BAY)** – TMS# 3070000094, new R/W. Final subdivision plat approval pending.
11. **MORRIS ST & DEREEF CT (MORRIS SQUARE, PHASE 2 – PENINSULA)** – TMS# 4601201090, 092, 094, 095, 096 & 134, 1.74ac, 35 lots, PUD. Final subdivision plat under review.

ROAD CONSTRUCTION PLANS

1. **DANIEL ISLAND DR (DANIEL ISLAND, PARCEL CC, PHASE 5)** – TMS# 2750000110, 16.79 ac, 26 lots, DI-R. Road construction plans under review.
2. **DANIEL ISLAND DR (DANIEL ISLAND, PARCEL E, PHASE 2)** – TMS# 2750000110, 7.65 ac, 10 lots, DI-R. Road construction plans under review.
3. **CLARK HILLS CIR (GRACE PLANTATION – JOHNS ISLAND)** – TMS# 2530000199, 31.504 ac, 25 lots, SR-7. Road construction plans under review.
4. **MAYBANK HWY (MAYBANK GATHERING PLACE, PHASE 1 – JAMES ISLAND)** – TMS# 4240000001, 22.26 ac, 3 tracts & R/W, GP. Road construction plans under review.
5. **BROWNSWOOD RD (SWYGERT'S LANDING, PHASE 3 – JOHNS ISLAND)** – TMS# 3120000050, 36.17 ac, 26 lots, C/ND. Road construction plans under review.
6. **CANE SLASH RD (TWIN LAKES, PHASE 1 – JOHNS ISLAND)** – TMS# 3450000001, 29.35 ac, 39 lots, SR-1/CLUSTER. Road construction plans under review.



Ratification
Number _____

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD A NEW ZONING DISTRICT TO BE KNOWN AS THE NEIGHBORHOOD BUSINESS, NB DISTRICT.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1: Sec. 54-102 (b) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding a new base zoning district "NB Neighborhood business district" and inserting said district after "LB Limited Business district" and before "GB General business district".

Section 2: Sec. 54-201 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting a new subsection "1." and relettering all subsequent subsections accordingly in alphabetical order. New subsection "1." shall read as follows:

- "1. Neighborhood Business, NB District. The NB district is intended to be a hybrid of LB and GB districts with similar restrictions for commercial uses that LB has, including hours of operation, and the same residential standards, including density standards, of GB. The NB district is intended to provide for a limited variety of commercial uses and services associated with neighborhood retail, financial and office activities which are compatible with residential areas. The hours of operation are restricted to between 7 a.m. and 11 p.m. Prohibited uses include, but are not limited to bars, liquor stores, car washes, bowling alleys, billiard parlors, dance hall, restaurants with drive-thru service windows, gasoline service stations and automobile sales. "

Section 3: Sec. 54-204 (b) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting text for NB hours of operation as shown below with a double underline:

- "b. Within LB and NB. In the Limited Business, LB district, and Neighborhood Business, NB district, certain uses, as specified herein, are restricted to

operating only between 7 a.m. and 11 p.m., except that theaters may operate beyond 11 p.m. although theater box offices may not sell tickets after 11 p.m.

Section 4: Article 2, Part 3: Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" under "LB" in the heading for the column containing the LB district on each page of the table.

Section 5: Sec. 54-206 (l) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" after "LB".

Section 6: Sec. 54-207 (f) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" after "LB".

Section 7: Sec. 54-207 (p) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" after "LB" in the first sentence; and under subsection (b) by inserting "NB" after "GB" in the table; and under subsection (d) by inserting "NB-residential" after "LB-residential".

Section 8: Sec. 54-207 (q) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" after "LB".

Section 9: Sec. 54-227 (a) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" after "LB".

Section 10: Sec. 54-289 (b) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended inserting "NB" after "DR-4" in the table.

Section 11: Sec. 54-301, Table 3.1: Height, Area and Setback Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting two new rows immediately after the row for "LB Residential" with one row to be titled "NB Non-residential" with said row being identical to the row for "LB Non-residential", including the same footnote; and the second new row to be titled "NB Residential" with said row being identical to the row for "GB Residential", including the same footnotes.

Section 12: Sec. 54-347.1 (a)(2)(b) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" after "LB".

Section 13: Sec. 54-352 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" after "LB".

Section 14: Sec.54-505 (d) and (e) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "Neighborhood Business" after "Limited Business".

Section 15: Sec.54-512 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting "NB" after "LB".

Section 16. This Ordinance shall become effective upon ratification.

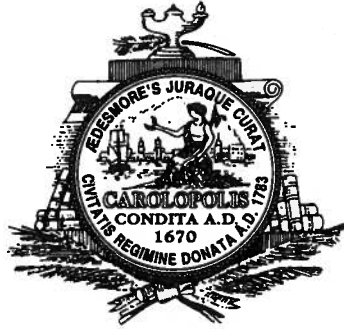
Ratified in City Council this _____ day of _____
in the Year of Our Lord, 2013,
and in the _____ Year of the Independence of
the United States of America.

Joseph P. Riley, Jr., Mayor

ATTEST:

Vanessa Turner-Maybank
Clerk of Council

EQ



Ratification
Number _____

AN ORDINANCE

AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS PART THEREOF, SO THAT CERTAIN PROPERTIES LOCATED IN THE CANNONBOROUGH/ELLIOTTBOROUGH AND EAST SIDE AREAS OF THE CHARLESTON PENINSULA, OR EAST OF COMING STREET, NORTH OF RADCLIFFE STREET, WEST OF NASSAU STREET, AND SOUTH OF SEPTIMA CLARK PARKWAY, AND CERTAIN PROPERTIES LOCATED ON THE WEST SIDE OF COMING STREET BETWEEN MORRIS STREET AND SPRING STREET, AND CERTAIN PROPERTIES LOCATED ON COLUMBUS STREET BETWEEN AIKEN STREET AND NASSAU STREET, INCLUDING THE FOLLOWING TAX MAP PARCELS (TMS# 459-05-03-058, 059, 062, 063, 065, 071, 129; 459-05-04-170, 171; 459-09-01-006, 065, 066; 459-09-02-116, 117, 118, 119; 459-09-03-002, 060, 061; 460-04-04-007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 099, 100, 102; 460-08-02-020, 021, 022, 024, 025, 026, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 039, 052, 053, 054, 074, 075, 076, 077, 078, 079, 080, 082, 083, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 098, 099, 100, 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 140, 141, 142, 143, 144, 145; a portion of 460-08-03-044; 460-08-03-046, 047, 048; a portion of 460-08-03-049; 460-08-03-050, 051, 052, 172; 460-08-04-003, 004, 005, 006, 007, 008, 009, 010, 011, 013, 018, 019, 020, 021, 022, 023, 024, 025, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 039, 040, 041, 046, 047, 067, 068, 069, 070, 071, 072, 073, 074, 111; 460-12-01-035, 036, 037, 038, 039; a portion of 460-12-01-049; 460-12-01-050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 065, 066, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174; 460-12-02-039, 040, 046, 047, 048, 051, 053, 054, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 128, 129, 130, 131, 132). ALL OF THE PROPERTIES INCLUDED HEREIN SHALL BE REZONED FROM GENERAL BUSINESS (GB) TO NEIGHBORHOOD BUSINESS (NB).

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from General Business (GB) classification to Neighborhood Business (NB).

Section 2. The property to be rezoned is described as follows:

Tax Map Parcels (TMS# 459-05-03-058, 059, 062, 063, 065, 071, 129; 459-05-04-170, 171; 459-09-01-006, 065, 066; 459-09-02-116, 117, 118, 119; 459-09-03-002, 060, 061; 460-04-04-007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 099, 100, 102; 460-08-02-020, 021, 022, 024, 025, 026, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 039, 052, 053, 054, 074, 075, 076, 077, 078, 079, 080, 082, 083, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 098, 099, 100, 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 140, 141, 142, 143, 144, 145; a portion of 460-08-03-044; 460-08-03-046, 047, 048; a portion of 460-08-03-049; 460-08-03-050, 051, 052, 172; 460-08-04-003, 004, 005, 006, 007, 008, 009, 010, 011, 013, 018, 019, 020, 021, 022, 023, 024, 025, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036,

039, 040, 041, 046, 047, 067, 068, 069, 070, 071, 072, 073, 074, 111; 460-12-01-035, 036, 037, 038, 039; a portion of 460-12-01-049; 460-12-01-050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 065, 066, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174; 460-12-02-039, 040, 046, 047, 048, 051, 053, 054, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 128, 129, 130, 131, 132).

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____
in the Year of Our Lord 2013,
in the 238th Year of Independence of the United States
of America.

By:

Joseph P. Riley, Jr.
Mayor, City of Charleston

Attest:

Vanessa Turner-Maybank
Clerk of Council



Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 74 MONTAGU STREET, 154 BULL STREET AND A VACANT PROPERTY ON BARRE STREET (HARLESTON VILLAGE – PENINSULA) (0.47 ACRE) (TMS #457-02-04-043, 457-02-04-031 AND 457-02-04-063) (COUNCIL DISTRICT 8), BE REZONED SO AS TO BE INCLUDED IN THE SCHOOL OVERLAY (S) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation to be included in the School Overlay (S) classification.

Section 2. The property to be rezoned is described as follows:

74 Montagu Street, 154 Bull Street and a vacant property on Barre Street (Harleston Village – Peninsula) (0.47 acre) (TMS #457-02-04-043, 457-02-04-031 and 457-02-04-063)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____
in the Year of Our Lord 2013,
in the 238th Year of Independence of the United States
of America.

By:

Joseph P. Riley, Jr.
Mayor, City of Charleston

Attest:

Vanessa Turner-Maybank
Clerk of Council

Rezoning 1

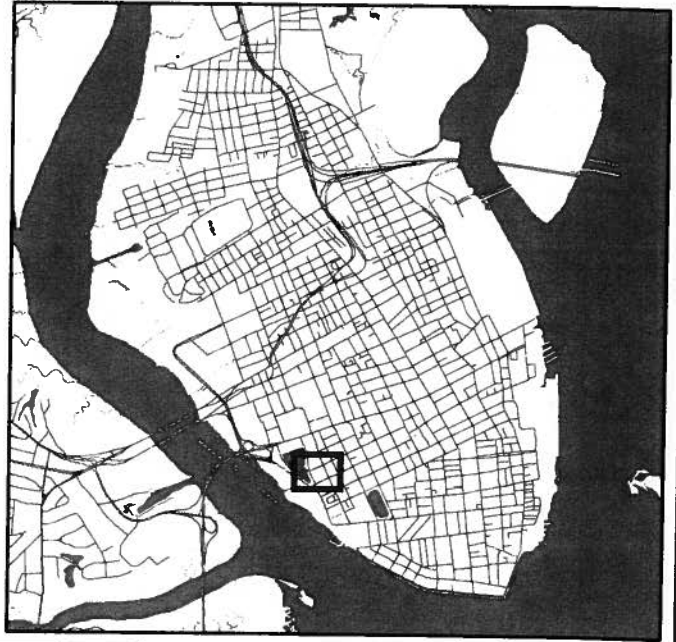
74 Montagu Street, 154 Bull Street &
0 Bare Street (Peninsula)

TMS# 4570204043, 4570204031 & 4570204063

0.47 ac.

Request rezoning to be included in the
School Overlay (S).

Area



Location



I a.



JOSEPH P. RILEY, JR.
MAYOR

City of Charleston
South Carolina
Clerk of Council Department

VANESSA TURNER-MAYBANK
CLERK OF COUNCIL

MEMORANDUM

TO: Mayor Joseph P. Riley, Jr. and
The Members of Charleston City Council

FROM: Vanessa Turner Maybank 
Clerk of Council/Director of Tourism

RE: Tourism Commission Recommendation for
Thermometer Monitoring System

DATE: 03 September 2013

At the August 28, 2013 Tourism Commission Meeting, the Commission unanimously voted to recommend to City Council that the unit installed on the Dock Street Theatre on Queen Street be designated as the primary device to be used to obtain the ambient temperature reading for monitoring the carriage horses. The secondary reading would be from the apparatus on the Doubletree Hotel on Church Street.

We have compiled a considerable amount of data with the assistance of our Information Technology Department, and feel very confident about their findings.

The Tourism Commission hopes that City Council will affirm their recommendation.

Thank you for your cooperation.

VTM/amj



Ratification
Number _____

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO ADD A NEW SECTION, SECTION 19-182, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE FOR CERTAIN PURPOSES WHILE DRIVING A MOTOR VEHICLE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. The Code of the City of Charleston is hereby amended by adding the following Section 19-182, which reads as follows:

“Sec. 19-182. Unlawful use of mobile telephone for text messaging or electronic mail.

(a) Whereas, in 2011, 3,331 people were killed in crashes involving a distracted driver, compared to 3,267 in 2010. An additional, 387,000 people were injured in motor vehicle crashes involving a distracted driver, compared to 416,000 injured in 2010.

Whereas, the US Department of Transportation reported that at any given daylight moment across America, approximately 660,000 drivers are using cell phones or manipulating electronic devices while driving, a number that has held steady since 2010.

Whereas, D!straction.gov recently reported that sending or receiving a text takes a driver's eyes from the road for an average of 4.6 seconds, the equivalent-at 55 mph-of driving the length of an entire football field, blind.

Whereas, City Council finds that it is in the best interest of the citizens, visitors, and residents using the City's Public rights-of-way to take action to improve the safety of our streets by prohibiting the use of handheld electronic communication devices for texting by those operating a motor vehicle in the City of Charleston.

(b) Offense. It is unlawful for a person to drive a motor vehicle in motion on a public street or highway or in a public vehicular area within the city limits while text messaging, reading text messages, emailing, using a digital assistant, or typing on a computer. If an arresting officer has probable cause to believe that the motor vehicle driver has violated this section, he may subpoena the telephone records of that device. The arresting officer or the defendant may admit as evidence, without providing a chain of custody, telephone number or texting information, or both, that are relevant to a violation of this section.

(c) Exceptions. The provisions of this Section shall not apply to the following:

- (1) The operator of a motor vehicle that is lawfully parked or stopped;
- (2) Any of the following while in the performance of their official duties: a law enforcement officer, a member of a fire department, or the operator of a public or private ambulance;
- (3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; and,
- (4) The use of voice-operated technology.

(d) Penalty. A violation of this section shall be an infraction and shall be punishable by a fine of \$100.00 plus the costs assessed to the court.

No driver's license points shall be assessed as a result of a violation of this section.

Section 2. This Ordinance shall become effective October 1, 2013 and applies to offenses committed on or after that date.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2013, and in the 238th Year of the Independence of the United States of America.

By: _____

Joseph P. Riley, Jr.
Mayor, City of Charleston

ATTEST: _____

Vanessa Turner-Maybank
Clerk of Council

J2c



Ratification
Number _____

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 31, ARTICLE I TO ADD THERETO A NEW SECTION 2 REQUIRING THAT VEHICLES FOR HIRE SHALL BE LESS THAN 13 FEET IN HEIGHT AND A STANDARD AUTOMOBILE, LIMOUSINE, TOUR BUS, VAN OR TROLLEY-TYPE VEHICLE.

Section 1. Chapter 31, Article I, of the Code of the City of Charleston is hereby amended by adding thereto an new Section 2 with the following text, which shall read as follows:

“Sec. 31-2. Authorized Vehicles.

Any vehicle for hire or any vehicle used for shuttling passengers that is operating within the city shall be a standard automobile, limousine, tour bus, van or trolley-type vehicle which is compatible with and not damaging to the infrastructure and ambiance of the historic district. Such vehicles shall be no more than 13 feet in height, shall load and unload passengers only on the right-hand or curb side, shall not have double-deck passenger compartments, shall not be combination or train-type vehicles, and shall not be amphibious or boat-type vehicles.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in
the Year of Our Lord, 2013, in the 238th Year of
Independence of the United States of America.

By: _____

Joseph P. Riley, Jr.
Mayor, City of Charleston

ATTEST:

Vanessa Turner-Maybank
Clerk of Council

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

QUITCLAIM DEED

WHEREAS, pursuant to Section 57-5-340, Code of Laws of South Carolina, 1976, as amended, the South Carolina Department of Transportation has authority to dispose of the premises hereinbelow described, which premises are no longer required for purposes of the South Carolina Department of Transportation; Now Therefore,

KNOW ALL MEN BY THESE PRESENTS, that the South Carolina Department of Transportation ("Grantor"), for and in consideration of the sum of Five and no/100 Dollars (\$5.00) to it in hand paid, receipt of which is hereby acknowledged, does hereby remise, release and quitclaim unto the City of Charleston ("Grantee"), all its right, title, interest in or to the following described property:

All that certain piece, parcel, or tract of land, situate, lying, and being a portion of Road S-3 (Spring Street) in the City of Charleston in Charleston County, State of South Carolina, containing approximately 0.15 of a mile of road right of way, and all improvements thereon, as shown on Exhibit A, attached hereto and made a part hereof, and being further described as follows:

Said portion of Road S-3 extends from the present right of way line of Road S-107 (Meeting Street) in a Southwesterly direction for a distance of approximately 0.15 of a mile to the present right of way line of Road S-104 (King Street).

This portion of Road S-3 was removed from the SC State Highway System by approval of the Highway Commission on May 16, 2013.

This being a portion of the right of way acquired by the South Carolina Department of Transportation by virtue of the Beltline Act, and being filed in the South Carolina Department of Transportation Deed Vault in Columbia, South Carolina under Road S-3, Beltline Act.

Grantee's Address: Post Office Box 304
Charleston, SC 29402

This conveyance is being made subject to any and all existing public utility rights of user, reservations, easements, rights of way, control of access, zoning ordinances and restrictions or protective covenants that may appear on record or on the premises, other than those hereby released.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the City of Charleston, its successors and assigns, forever.

WITNESS the hand and seal of the South Carolina Department of Transportation this 18th day of June, in the year of our Lord Two Thousand Thirteen.

Signed, sealed and delivered
in the presence of

Mpe Johnson-Young
Catherine L. Buss

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

By: [Signature] (L.S.)
Secretary of Transportation

By: [Signature] (L.S.)
Deputy Secretary for Finance and Administration

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

)
) ACKNOWLEDGEMENT
)

Personally appeared before me the above named Grantors on behalf of South Carolina Department of Transportation and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 18th day of June, 2013.

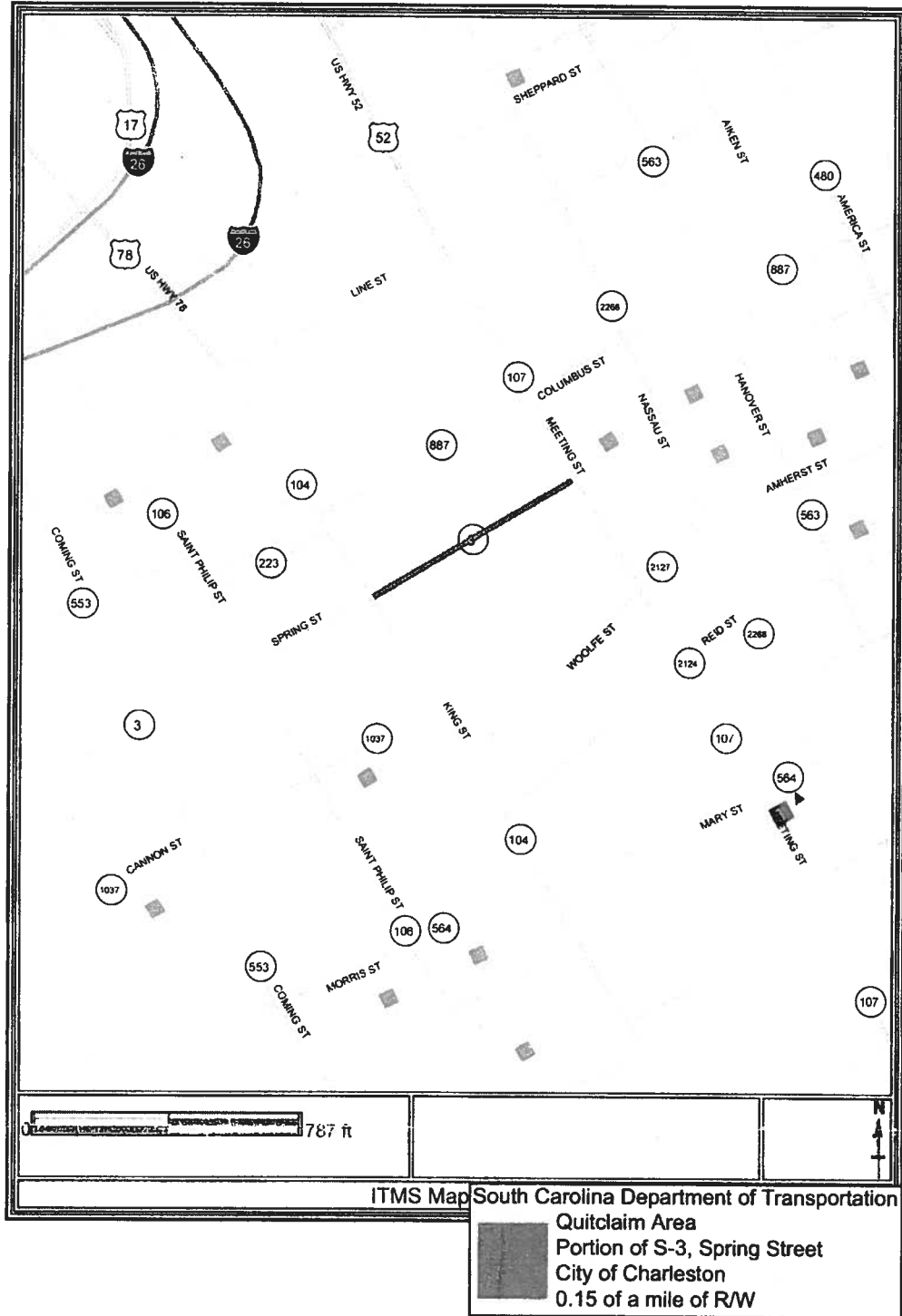
Catherine H. Brooks
Notary Signature

Catherine H. Brooks
Printed Name of Notary

NOTARY PUBLIC FOR THE STATE OF
SOUTH CAROLINA

My Commission Expires: 3/24/16
(Affix Seal if outside SC)

Exhibit A



J3C

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

QUITCLAIM DEED

WHEREAS, pursuant to Section 57-5-340, Code of Laws of South Carolina, 1976, as amended, the South Carolina Department of Transportation has authority to dispose of the premises hereinbelow described, which premises are no longer required for purposes of the South Carolina Department of Transportation; Now Therefore,

KNOW ALL MEN BY THESE PRESENTS, that the South Carolina Department of Transportation ("Grantor"), for and in consideration of the sum of Five and no/100 Dollars (\$5.00) to it in hand paid, receipt of which is hereby acknowledged, does hereby remise, release and quitclaim unto the City of Charleston ("Grantee"), all its right, title, interest in or to the following described property:

All that certain piece, parcel, or tract of land, situate, lying, and being a portion of Road S-1141 (Frampton Street) in the City of Charleston in Charleston County, State of South Carolina, containing approximately 0.04 of a mile of road right of way, and all improvements thereon, and being shown on the South Carolina Department of Transportation Plans for Road S-1141, File 10.513, Sheet 13, as shown on Exhibit A, attached hereto and made a part hereof, and being further described as follows:

Road S-1141 having a total width of 50 feet of right of way, being approximately 25 feet on each side of the survey centerline, extending from the present right of way line of Road S-1028 (Harbor View Road) Northerly for a distance of approximately 0.04 of a mile to the present right of way line of Road S-2267 (Burningtree Road).

Road S-1141 was removed from the SC State Highway System by approval of the Highway Commission on February 21, 2013.

This being a portion of the right of way acquired by the South Carolina Department of Transportation by Right of Way Easement from Harbor View Elementary School dated June 20, 1962; and by Right of Way Easement from McDonald & Parks Realty Co. dated June 20, 1962 and being filed in the South Carolina Department of Transportation Deed Vault in Columbia, South Carolina under Road S-1141, File 10.513.

Grantee's Address: Post Office Box 304
Charleston, SC 29402

This conveyance is being made subject to any and all existing public utility rights of user, reservations, easements, rights of way, control of access, zoning ordinances and restrictions or protective covenants that may appear on record or on the premises, other than those hereby released.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the City of Charleston, its successors and assigns, forever.

WITNESS the hand and seal of the South Carolina Department of Transportation this 22nd day of April, in the year of our Lord Two Thousand Thirteen.

Signed, sealed and delivered
in the presence of

Maureen Young
Catherine L. Beards

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

By: *[Signature]* (L.S.)
Secretary of Transportation

By: *[Signature]* (L.S.)
Deputy Secretary for Finance and Administration

THE STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

)
)
)

ACKNOWLEDGEMENT

Personally appeared before me the above named Grantors on behalf of South Carolina Department of Transportation and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 22nd day of April, 2013.

Catherine L. Brooks

Notary Signature

Catherine L. Brooks

Printed Name of Notary

NOTARY PUBLIC FOR THE STATE OF
SOUTH CAROLINA

My Commission Expires:

(Affix Seal if outside SC)

3/24/16

Exhibit A



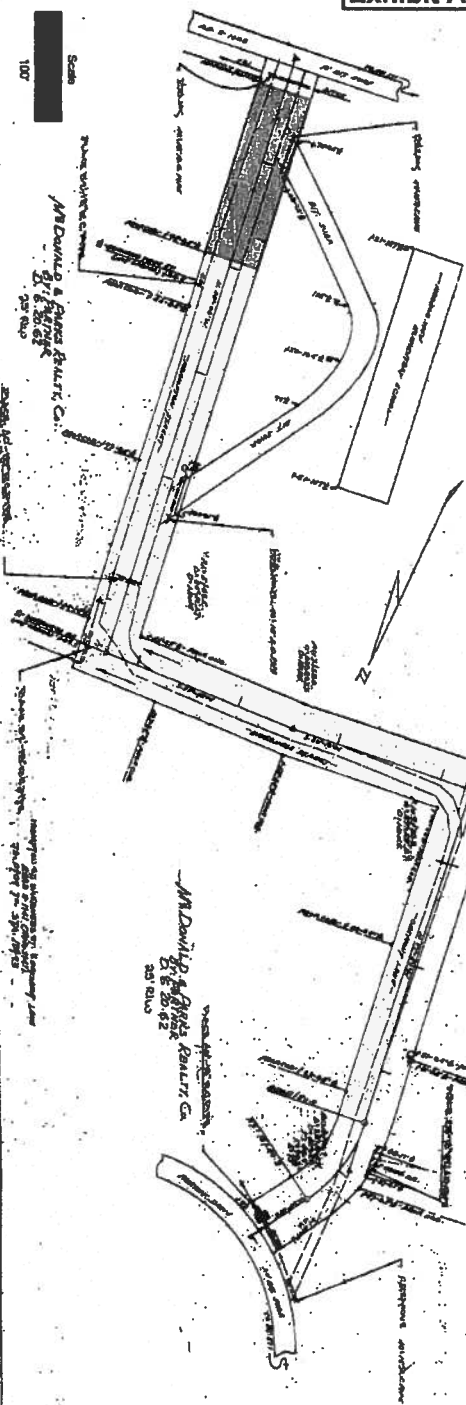
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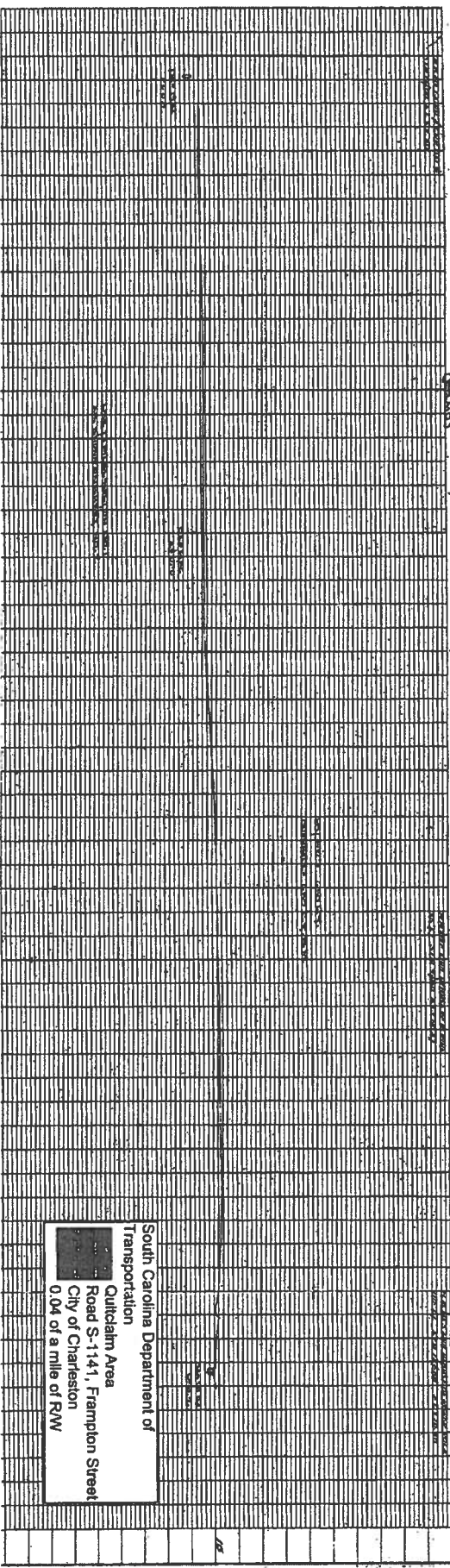
M. DOWLING & SONS, REALTY CO.
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DATE	BY	REVISION	DATE	BY	REVISION
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Scale
100'



South Carolina Department of
Transportation
Quitclaim Area
Road S-141, Frampton Street
City of Charleston
0.04 of a mile of RW

J3cl

STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON)
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)
)
CITY OF CHARLESTON

This Agreement is made and entered into this 11th day of August, 2013, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the "City"), and New Israel Reformed Episcopal Church (herein the "Owner").

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining a storm water drainage ditch and appurtenances ("Storm Water System") across a portion of 88 Simons Street designated by Charleston County tax map number 463-11-02-008 and to accomplish this objective, the City must obtain an easement from the Owner permitting the maintenance of the Storm Water System through a portion of the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it an exclusive easement in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City a **NEW EXCLUSIVE 15' X 20' - FOOT WIDE PERMANENT STORM DRAINAGE EASEMENT CONTAINING 0.007 ACRE(S) OR 300 SQ. FT.** more fully shown on a plat entitled "General Property Survey, TMS 463-11-02-008, 88 Simons Street, City of Charleston, Charleston County, SC"

prepared by "Atlantic Surveying, Inc.", dated July 30, 2013, executed by _____, on _____, and recorded in Plat Book _____ at page _____ in the R.M.C. Office for Charleston County, South Carolina (herein the "Plat"). A copy of said plat is attached heretofore and incorporated herein.

SAID EXCLUSIVE STORM DRAINAGE EASEMENT having such size, shape, location, and butting, and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive 15' X 20' -Foot Wide Permanent Stormwater Drainage Easement for purposes of periodic inspection, maintenance, repair and replacement of the Stormwater System. This Exclusive 15' X 20' -Foot Wide Permanent Stormwater Drainage Easement shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owners for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of the Exclusive 15' x 20' -Foot Wide Permanent Stormwater Drainage Easement during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against us and our heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

[Signature]
Witness #1

[Signature]
Witness #2

OWNER

Name: New Israel Reformed Episcopal Church

Date:

8/12/13

WITNESSES:

[Signature]
Witness #1

[Signature]
Witness #2

CITY OF CHARLESTON

[Signature]

By: Laura S. Cabiness

Its: Director of Public Service

Date:

8/12/13

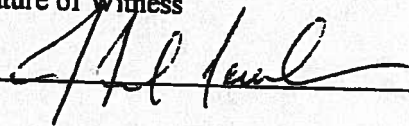
STATE OF SOUTH CAROLINA

) PROBATE
)
)

COUNTY OF CHARLESTON

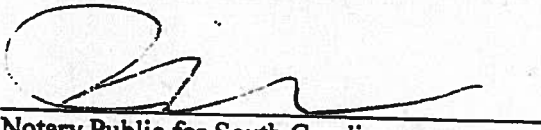
PERSONALLY appeared before me the above named witness, who, on oath, says that (s)he saw the within named Seaward Middleton, Jr. sign, on behalf of, New Israel Reformed Episcopal Church, the within Exclusive Permanent Stormwater Drainage Easement, and seal said Exclusive Permanent Stormwater Drainage Easement, and as its act and deed, deliver the same, and that (s)he with the other witness named, witnessed the execution thereof.

Signature of Witness



SWORN to before me this

12th day of August, 2013.



Notary Public for South Carolina

My Commission Expires: June 11, 2019

STATE OF SOUTH CAROLINA

)

PROBATE

)

COUNTY OF CHARLESTON

)

PERSONALLY appeared before me the above named witness, who, on oath, says that (s)he saw the within named Seaward Middleton, Jr. sign, on behalf of, New Israel Reformed Episcopal Church, the within Exclusive Permanent Stormwater Drainage Easement, and seal said Exclusive Permanent Stormwater Drainage Easement, and as its act and deed, deliver the same, and that (s)he with the other witness named, witnessed the execution thereof.

Signature of Witness

Seaward Middleton, Jr.

SWORN to before me this

12th day of August, 2013.

[Signature]

Notary Public for South Carolina

My Commission Expires: June 11, 2019

LI



Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1349 ASHLEY RIVER ROAD (WEST ASHLEY) (0.30 ACRE) (TMS #418-05-00-002) (COUNCIL DISTRICT 7), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof.

1349 Ashley River Road (West Ashley) (0.30 acre) (TMS #418-05-00-002)

Section 2. That the said parcel of land described above shall be zoned General Business (GB) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____
in the Year of Our Lord,
2013, in the 238th Year of Independence of the
United States of America.

By:

Joseph P. Riley, Jr.
Mayor, City of Charleston

Attest:

Vanessa Turner-Maybank
Clerk of Council



12
Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1351 ASHLEY RIVER ROAD (WEST ASHLEY) (0.30 ACRE) (TMS #418-05-00-001) (COUNCIL DISTRICT 7), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1351 Ashley River Road (West Ashley) (0.30 acre) (TMS #418-05-00-001)

Section 2. That the said parcel of land described above shall be zoned General Business (GB) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____
in the Year of Our Lord,
2013, in the 238th Year of Independence of the
United States of America.

By:

Joseph P. Riley, Jr.
Mayor, City of Charleston

Attest:

Vanessa Turner-Maybank
Clerk of Council



City of Charleston

Joseph P. Riley, Jr.
Mayor

MEMORANDUM

To: City Council

From: Joseph P. Riley, Jr.
Mayor

Re: Government-Initiated Downzoning Ordinance

Date: September 3, 2013

I have reviewed and given a great deal of consideration to the Government-Initiated Downzoning Ordinance that appears on the agenda as a bill up for first reading. I take this opportunity to offer comments on the bill, which I oppose for many reasons.

The bill provides that any time the City, be it Council, the Planning Commission or staff, initiates a rezoning of property that reduces the fair market value of the property, the property owner be paid the difference in value of the property before the rezoning and afterwards.

The huge financial expense to the City posed by the bill cannot be overstated. Most rezonings affect value, at least to some degree. This bill would require the City to pay for any negative effects on value, whether the rezoning is directed to uses allowed on the property, or the percentage of lot that can be utilized, or the height of structures on the property or its landscaping requirements or whether it requires protection due to its architectural integrity.

The bill would limit the ability of citizens to effectively petition Council for changes in zoning that are needed to respond to changing circumstances. A few examples are worth noting. Some years ago, City Council, in response to concerns raised by residents, downzoned a tract of land in the Lake Frances development on James Island to prevent the construction of apartment complexes in the middle of a single-family developing neighborhood. Council rightfully recognized the changed circumstances since the initial zoning of the property and rezoned it for uses consistent with its surroundings. The City got sued, but the Supreme Court upheld the rezoning. Today, the development consists of complimentary-scaled neighborhoods which the residents enjoy and in which they take a great deal of pride. Similar actions were initiated by



P.O. Box 652, Charleston, South Carolina 29402

843-577-6970 Fax 843-720-3527

Council on Howle Avenue, at the entrance to Seaside Plantation, in Wagener Terrace, at the entrance to Maryville and in areas throughout West Ashley regarding height. Had the bill up for first reading been in place, the City would have had to either pay the property owners for those changes or not make them, despite the fact that the public interests were better served with the down-zonings being accomplished.

The bill would also curtail any meaningful land use planning. State law requires the City to adopt a comprehensive plan that includes a land use element, and to update it at least every ten years. Updates are required because, over time, development patterns and preferences change. Thoughtful and creative and responsive planning will be difficult, if not impossible, to implement if the City has to pay for down-zonings that may be called for by its plans.

And finally, I do not believe this bill is necessary. The current law protects uses in existence at the time of a rezoning. They may continue as nonconforming uses, and under City ordinance, that nonconforming status does not lapse unless the use is discontinued for a period of three years. The law also protects the property owner from unreasonable amortization periods and from measures that lack rationality and unduly interfere with investment-backed expectations. In short, there are legal safeguards in place that protect the rights of property owners.

Meaningful planning and zoning are the heart of a thriving, dynamic community. This bill will severely undercut both. I respectfully urge Council to consider the far-reaching, detrimental ramifications of this bill and oppose its adoption.

JPR,JR./fc



Ratification
Number _____

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD A NEW SECTION 54-946 REGULATING GOVERNMENT-INITIATED DOWNZONINGS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1: Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting a new Section 54-946. New Section 54-946 shall read as follows:

“Section 54-946. Government-initiated downzoning; just compensation.

- a. Applicability. Except as provided in subsection f, this Section shall apply to any government-initiated downzoning that has the effect of reducing the fair market value of privately owned real property or of any interest in privately owned real property.
- b. Definitions. For the purpose of this Section, the following terms and words shall have the following meanings.

Downzoning. The adoption of a zoning regulation, zoning map, or other regulation pertaining to land use, or an amendment of a zoning regulation, zoning map, or other regulation pertaining to land use, that restricts or limits the right to use, develop, divide, sell, or possess the real property in a manner that would otherwise be allowable in the absence of the adoption or the amendment.

Fair market value. The value of real property, as determined by an appraisal prepared by a licensed and reputable South Carolina appraiser using a highest and best use analysis.

Government-initiated downzoning. A downzoning of real property that is initiated by the City (City Council, Planning Commission, and/or City staff) without the consent of the owner.

Just compensation. Compensation in the amount of the reduction in fair market value of real property caused by a government-initiated downzoning, calculated by subtracting the fair market value of the real property under the government-initiated downzoning from the fair market value of the real property prior to the government-initiated downzoning.

- c. Just compensation requirement. The owner(s) of the real property or of an interest in the real property subject to a government-initiated downzoning shall be entitled to just compensation from the City.
- d. Alternative to payment of just compensation. In lieu of paying just compensation to a property owner whose property value is the subject of a government-initiated downzoning, the City Council may repeal the government-initiated downzoning.
- e. Remedial action by City. Not less than 180 days after the date of adoption of a government-initiated downzoning, the City shall: (1) repeal the government-initiated downzoning; or (2) pay just compensation to the owner(s) of real property or an interest in real property that is subject to the government-initiated downzoning.
- f. Exemptions. This Section shall not apply to a government-initiated downzoning that:
 - 1. Is required by federal law;
 - 2. Is necessary for the protection of public health and safety;
 - 3. Restricts or prohibits an activity or use of real property that constitutes a public nuisance under the laws of South Carolina, provided that the City first proves that such activity or use constitutes a public nuisance; or
 - 4. Was adopted prior to the effective date of this Section.
- g. Pre-hearing requirements for government-initiated downzoning. Not less than thirty (30) days prior to the date of the public hearing on a proposed government-initiated downzoning, the City Council shall cause to be prepared and delivered to the owner(s) of real property or of an interest in real property that would be subject to the government-initiated downzoning the following, as applicable:
 - 1. A memorandum prepared by the City Attorney explaining why the proposed government-initiated downzoning qualifies for an exemption under subsection f; or
 - 2. If the City Council does not assert that the proposed government-initiated downzoning is exempt from the just compensation requirement: (a) a written assessment of the impact that the government-initiated downzoning would have on the fair market value of the real property that would be subject to the government-initiated downzoning; (b) a memorandum demonstrating that the proposed government-initiated downzoning is directed by and consistent with an explicit Goal and/or Recommendation and the Future Land Use Map of the City's comprehensive plan; and (c) a written request and form for owner consent to the proposed government-initiated downzoning.

The written assessment required by subsection g.2(a) shall include a draft of the proposed government-initiated downzoning and analyses and conclusions concerning: (i) the purpose of the government-initiated downzoning; (ii) potential alternatives to the government-initiated downzoning; (iii) the extent to which the government-initiated downzoning would restrict or limit the right to use, develop, divide, sell, or possess affected real property; (iv) a determination of just compensation due to each owner of real property or an interest in real property under subsection c; and (v) the source of funds to be used for the payment of just compensation.

- h. Administrative appeal of determination of just compensation. An owner of real property or an interest in real property that is subject to a government-initiated downzoning may challenge the City's determination of just compensation by filing a notice of appeal with the Clerk of Council within thirty (30) days of the date of adoption of the government-initiated downzoning. The appeal shall be filed with the Clerk of Council within thirty (30) days after the filing of the notice of appeal and must be accompanied by an appraisal, prepared by a licensed and reputable South Carolina appraiser using a highest and best use analysis, showing the reduction in fair market value caused by the government-initiated downzoning.

The City Council shall conduct a public hearing on an appeal within thirty (30) days after receipt of the appeal under this subsection. In addition to the public notice required under Section 30-4-80 of the South Carolina Code of Laws, the City Council shall provide written notice of the hearing to the owner(s) of all real property affected by the government-initiated downzoning that gave rise to the appeal. Not less than thirty (30) days after the close of the public hearing on the appeal, the City Council shall:

1. Issue a written decision upholding the appeal and pay compensation to the appellant in the amount demanded by the appellant under the appeal, or such lesser amount as may be agreed to by the appellant; or
2. Issue a written decision denying the appeal.

If the City Council does not take action on the appeal within thirty (30) days after the close of the public hearing, the appeal shall be deemed to be upheld.

- i. Judicial appeal. A person adversely affected by a decision of the City Council under this Section may appeal the decision to the circuit court in the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly the basis for the appeal. The appeal must be filed within thirty (30) days after the date of the decision of the City Council.
- j. Stay of government-initiated downzoning. Upon the filing of a notice of appeal under subsection h, or the filing of a judicial appeal under subsection i, the effective date of the government-initiated downzoning shall be stayed until all appeals are decided.
- k. Recovery of Fees and Costs. A property owner who prevails on an appeal under this Section, whether by decision of the City Council or by judicial decision,

shall be entitled to recover reasonable costs and attorney fees incurred in connection with the appeal, including but not limited to the cost of appraisals.”

Section 2.

This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2013, and in the _____ Year of the Independence of the United States of America.

Joseph P. Riley, Jr., Mayor

ATTEST:

Vanessa Turner-Maybank
Clerk of Council